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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,420	06/24/2003	Nelson F. Kidd	42P16615	3319

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EXAMINER

HOSSAIN, TANIM M

ART UNIT	PAPER NUMBER
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2145

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/603,420	Applicant(s) KIDD, ET AL.	
	Examiner Tanim Hossain	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-19 are rejected under 35 U.S.C. 101 because “a computer readable medium having instructions” does not tangibly embody statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Henry (U.S. 7,028,104).

As per claim 1, Henry teaches a method comprising: receiving a state change (column 4, line 54 – column 5, line 18); setting a state change flag (column 6, line 63 – column 7, line 11); timing a moderation period (column 4, line 54 – column 5, line 18); sending an event in response

to the flag and in response to the moderation period (column 4, line 54 – column 5, line 18); and resetting the state change flag in response to the sending (column 4, line 54 – column 5, line 18).

As per claim 2, Henry further teaches storing a value corresponding to the state change, wherein the sending of an event is further in response to the stored value (column 4, line 54 – column 5, line 18).

As per claim 3, Henry further teaches setting a moderation flag approximately corresponding to a beginning of a moderation period and resetting the moderation flag approximately corresponding to an end of the moderation period, wherein the sending of the event is further in response to the moderation flag (column 4, line 54 – column 5, line 18).

As per claim 4, Henry further teaches storing a value corresponding to the state change, wherein the sending of the event is further in response to the stored value (column 4, line 54 – column 5, line 18).

As per claim 5, Henry further teaches that the resetting occurs substantially simultaneously with the sending (column 2, lines 54-62).

As per claim 6, Henry further teaches that the resetting occurs after the sending (column 4, line 54 – column 5, line 18).

As per claim 7, Henry further teaches that the state change is a UpnP state change and the event is a UpnP event (column 7, lines 41-52).

As per claim 8, Henry further teaches that the moderation period is approximately 1/5 of a second (column 6, lines 49-62).

As per claim 9, Henry further teaches that the moderation period is approximately one second (column 6, lines 49-62).

As per claim 10, Henry further teaches that the sending sends the event if the flag is set and the moderation flag is not set (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11).

As per claim 11, Henry further teaches that the sending sends the event if the flag is set and the moderation period has expired (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11).

As per claim 12, Henry further teaches that the sending sends the event if the flag is set and the moderation period has not begun (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11).

Claims 13-15 are rejected under Henry on the same bases as claims 1-3, as the instant claims have limitations similar to those of claims 1-3.

As per claim 16, Henry further teaches that the reset occurs after the event is sent (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11).

Claims 17-19 are rejected under Henry on the same bases as claims 10-12, as the instant claims have limitations similar to those of claims 10-12.

As per claim 20, Henry teaches a system comprising: a state change flag responsive to a state change; a moderation timer; and a controller to send an event in response to the state change flag and in response to the moderation timer (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11).

As per claim 21, Henry further teaches a state table to store a value corresponding to the state change, wherein the controller is to send the event in response to the value, the state change flag and the moderation timer (figure 1, column 3, lines 8-10).

As per claim 22, Henry further teaches that the controller is to send the event in response to the moderation flag, the state change flag, and the moderation timer (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11).

As per claim 23, Henry further teaches a state table to store a value corresponding to the state change, wherein the controller is to send the event in response to the value, the moderation flag, the state change flag, and the moderation timer (column 4, line 54 – column 5, line 18; column 6, line 63 – column 7, line 11; figure 1, column 3, lines 8-10).

Claims 24-26 are rejected under Henry on the same bases as claims 7-9, as the instant claims disclose limitations similar to those of the earlier claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanim Hossain whose telephone number is 571/272-3881. The examiner can normally be reached on 8:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571/272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tanim Hossain
Patent Examiner
Art Unit 2145



JASON CARDONE
SUPERVISORY PATENT EXAMINER